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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

CAMERON L. PHILLIPS and
SARA C. PHILLIPS, husband and
wife,

Plaintiffs,

vs.

JEFFERY L. WHITE and JANE
DOE WHITE, husband and wife;
WHITE LIVING TRUST, an
unincorporated trust organization;
ROBERT WHITE and NAOMI
WHITE, trustees and husband and
wife; BOB WHITE FARMS, INC.,
a Washington corporation; and
CORPORATE DOES I-V, whose
true names are unknown,

Defendants.

AT LAW AND IN ADMIRALITY

Case No. **CV-04-0090-EFS**

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 08 2004

JAMES R. LARSEN, CLERK
DEPUTY,
SPOKANE, WASHINGTON

1 COME NOW plaintiffs Cameron L. Phillips and Sara C. Phillips and
2 allege as follows:

3
4 **I. PARTIES, JURISDICTION, VENUE**

5 1. The plaintiffs Cameron L. Phillips and Sara C. Phillips are a
6 married couple who, at all times material hereto, were and are residents of
7 Kootenai County, State of Idaho. At all times material hereto, Cameron L.
8 Phillips and Sara C. Phillips (herein "Phillips") were the lawful owners of a
9 twenty-two foot (22') wooden 1956 Chris-Craft Sea Skiff (herein "Chris-
10 Craft") identified by Idaho registration number ID 9801 C.

11
12 2. The defendants Jeffery L. White and Jane Doe White are
13 believed to be a married couple who, at all times material hereto, were and
14 are residents of Spokane County, State of Washington. At all times material
15 hereto, Jeffery L. White was the operator of a nineteen foot (19') fiberglass
16 1985 Sea Ray Monaco (herein "Sea Ray") identified by Idaho registration
17 number ID 8075 S.

18
19 3. The defendant White Living Trust is believed to be an
20 unincorporated trust organized pursuant to the laws of the State of
21 Washington and for the benefit of Robert White and Naomi White with its
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1 principal place of business located at 4651 Mulkey Road, Saint John,
2 Washington 99171. It is believed that the White Family Trust holds title to
3 the Sea Ray registered in the State of Idaho under VIN# SERA3980F585
4 and identified by Idaho registration number ID 8075 S.

6 4. The defendants Robert and Naomi White are a married couple
7 who are believed to be the trustees and/or beneficiaries of the White Living
8 Trust and who, at all times material hereto, were and are citizens and
9 residents of Spokane County, State of Washington. Robert and Naomi
10 White are believed to be the lawful owners of and/or have an ownership
11 interest in the Sea Ray.
12

14 5. The defendant Bob White Farms, Inc. is a Washington
15 corporation with its principal place of business located at 4651 Mulkey
16 Road, Saint John, Washington 99171. It is believed Bob White Farms, Inc.
17 is the lawful owner of and/or does have an ownership interest in the Sea
18 Ray.
19

20 6. The defendants Corporate Does I-V, whose true names are
21 unknown, are unknown corporate entities that are believed to be the lawful
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1 owners of and/or have an ownership interest in the Sea Ray whose true
2 names are yet to be discovered.

3 7. This is a case of admiralty and maritime jurisdiction pursuant to
4 28 U.S.C. § 1333(1), as hereinafter more fully appears. This is an admiralty
5 or maritime claim within the meaning of FRCP 9(h) and LR 9.2.
6

7 8. In the alternative, the plaintiffs are citizens of the State of Idaho
8 and the defendants are citizens of and/or incorporated under the laws of the
9 State of Washington so as to create a complete diversity of citizenship as
10 between the plaintiffs and defendants. The matter in controversy exceeds,
11 exclusive of interest and costs, the sum of \$75,000.00 as specified by 28
12 U.S.C. § 1332.
13

14 9. Venue is proper in the United States District Court for the
15 Eastern District of Washington pursuant to 28 U.S.C. § 1391(b)(1) or, in the
16 alternative, 28 U.S.C. § 1391(a)(1).
17

18 II. FACTUAL ALLEGATIONS

19 10. This case arises from the collision of power-driven vessels on
20 Priest Lake, Bonner County, State of Idaho, a navigable body of water in the
21 United States.
22

1 11. On the evening of August 24, 2002, just after the hour of 10:00
2 p.m., Cameron L. Phillips was piloting his Chris-Craft on a steady course
3 from Hills Resort in Luby Bay and in a northerly direction into Kalispell
4 Bay, west of Kalispell Island. Present in the Chris-Craft were Sara Phillips,
5 son Robert Phillips, daughter Laura Phillips and guest Melissa Erickson.
6

7 12. Cameron Phillips was operating the Chris-Craft on a steady
8 course, at a safe speed, and was alert, attentive and maintaining a proper
9 lookout for other vessels or obstructions. The Chris-Craft was properly
10 equipped and lighted in accord with all applicable federal, state and local
11 boating regulations and ordinances.
12

13 13. On the evening of August 24, 2002, just after the hour of 10:00
14 p.m., Jeffery White was operating the Sea Ray owned by the above named
15 defendant(s) with their knowledge, consent and permission in Kalispell Bay.
16 Present in the Sea Ray were Corinne Bell, Ariel Bell, Jonelle Stark, Whitney
17 Young, and Amanda Johnson.
18

19 14. Shortly after the hour of 10:00 p.m., the Sea Ray did suddenly
20 appear off the port (left) side of the Chris-Craft. Without warning, the bow
21 (front) of the Sea Ray suddenly and violently collided with the port (left)
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1 side of the Chris-Craft causing immediate and severe damage to the Chris-
2 Craft. Shortly after the collision, the Chris-Craft sank to the bottom of
3 Kalispell Bay leaving the injured occupants of the Chris-Craft in the waters
4 of Priest Lake.
5

6 III. CLAIMS

7 15. The plaintiffs reallege paragraphs 1-14 as if set forth herein.
8

9 16. The collision and resulting personal injuries and property
10 damage were not proximately caused by the fault, neglect, or want of care
11 on the part of Cameron Phillips, his passengers, or his vessel.

12 17. The collision and resulting personal injuries and property
13 damage were proximately caused by the sole fault, neglect, and want of care
14 on the part of Jeffery White and the owners of the Sea Ray including, but
15 not limited to, the following particulars:
16

17 17.1 Jeffery White did fail to maintain and keep a proper
18 lookout by sight and hearing so as to avoid colliding with the Chris-
19 Craft;
20

1 17.2 Jeffery White did fail to maintain a safe operating speed
2 under the conditions so as to be able to stop and avoid colliding with
3 the Chris-Craft;
4

5 17.3 Jeffery White did operate the Sea Ray at a speed that was
6 excessive for the conditions and in excess of the nighttime speed limit
7 imposed by local ordinance;
8

9 17.4 Jeffery White did fail to give way or yield the right of
10 way to the Chris-Craft so as to avoid colliding with the Chris-Craft;
11

12 17.5 Jeffery White did fail to take any action to alter the
13 course and speed of the Sea Ray to allow for safe passage between the
14 Sea Ray and the Chris-Craft;

15 17.6 Jeffery White did fail to operate the Sea Ray at a safe
16 speed adapted to the nighttime conditions so as to be able to have his
17 vessel ready for immediate maneuver to avoid the Chris-Craft; and
18

19 17.7 Jeffery White did fail to operate the Sea Ray in a manner
20 so as to allow Cameron Phillips and the Chris-Craft to observe and
21 avoid the Sea Ray as it approached the port (left) side of the Chris-
22 Craft.
23

1 18. The negligence of Jeffery White and the owners of the Sea Ray
2 as set forth above were in direct violation of the federal Inland Navigational
3 Rules, the Idaho Safe Boater Act and local Bonner County Ordinance.
4

5 19. As a result of the collision, Cameron Phillips suffered personal
6 injuries including, but not limited to, fractured ribs, fractured left scapula,
7 fractured left ankle, facial lacerations and other soft tissue injuries for which
8 he has required and received extensive medical treatment.
9

10 20. As a result of the collision, Sara Phillips suffered personal
11 injuries including, but not limited to, fractured ribs, fractured left and right
12 clavicle, fractured left scapula, fractured fibula, fractured radius, cracked
13 cervical vertebrae, damage to her teeth and jaw and other soft tissue injuries
14 for which she has required and received extensive medical treatment.
15

16 21. As a result of the collision, Sara Phillips was knocked
17 unconscious, thrown into the water and nearly drowned. Cameron Phillips
18 was knocked to the floor of the Chris-Craft and forced into the water as the
19 Chris-Craft sank. Severely injured, Cameron Phillips was unable to attempt
20 to rescue his wife, Sara Phillips. Sara Phillips was rescued by her son,
21 Robert Phillips. Afterwards, both Cameron and Sara Phillips have
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1 experienced loss of sleep, nervousness, fear of travel by boat or car,
2 increased anxiety and suffer from emotional distress as a result of the
3 collision.
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5 22. As a result of the collision, both Cameron and Sara Phillips lost
6 significant income from their inability to work and the loss of business
7 opportunities during that period of time immediately after the collision and
8 during the time they were unable to work full time as they recovered from
9 their personal injuries.
10

11 23. As a result of the collision, both Cameron and Sara Phillips
12 have suffered from and endured the pain and discomfort of their physical
13 injuries and recovery from those injuries which has caused a diminished or
14 limited ability to engage in normal recreational activities following the
15 collision. In addition, the Phillips' physical injuries have caused a loss of
16 consortium as between Cameron and Sara Phillips and as between Cameron
17 and Sara Phillips and their children.
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20 24. As a result of the collision, both Cameron and Sara Phillips
21 have incurred significant medical expenses including, but not limited to,
22 helicopter transport, emergency room treatment, intensive care and
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1 hospitalization, surgical expenses and physical therapy. It is believed that
2 Cameron and Sara Phillips will incur future medical expenses associated
3 with treatment for their respective physical and emotional injuries.
4

5 25. As a result of the collision, the Chris-Craft was materially
6 destroyed and sank to the bottom of Priest Lake. The vessel is believed
7 beyond salvage. In addition to the loss of the vessel, the plaintiffs lost other
8 personal property including, but not limited to, the equipment on board,
9 tools, floatation devices, anchor, clothing, cell phone and digital camera.
10

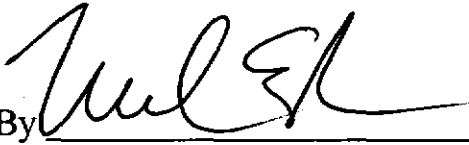
11 WHEREFORE, the plaintiffs pray for judgment as follows:
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13 1. That the plaintiffs be awarded judgment against the defendants
14 jointly and severally for damages for personal injury, property damage and
15 economic loss in an amount to be proven at trial and, in any event, in an
16 amount greater than \$75,000.00 as set forth in 28 U.S.C. § 1332; and
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18 2. For such other and further relief as the court deems just and
19 proper.
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1 DATED this 8 day of March, 2004.

2 RAMSDEN & LYONS

3
4 

5 By _____
6 Michael E. Ramsden, WSBA# 16501
7 Attorneys for Plaintiffs

8 **PURSUANT TO FRCP 38, PLAINTIFFS HEREBY DEMAND A**
9 **TRIAL BY A JURY OF NO LESS THAN TWELVE PERSONS**